



OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
AUSTIN

GROVER SELLERS  
ATTORNEY GENERAL

Honorable C. J. Wilde  
County Auditor, Nueces Co.,  
Corpus Christi, Texas

Dear Sir:

Opinion No. 0-6191  
Re: Salaries of Veterans  
County Service Officers  
and Deputies under the  
provisions of Article  
5798a-1, Vernon's Anno-  
tated Civil Statutes.

Your letter of August 29, 1944, requesting the opinion of this department regarding the maximum compensation of a Veterans County Service Officer and an Assistant Veterans County Service Officer is, in part, as follows:

"Article 5798A appearing in the 1943 Supplement of the general laws of the 48th regular session states that the county commissioners court shall appoint a Veterans County Service Officer and shall receive a salary not exceeding \$100.00 per month for the principal officer nor more than \$50.00 per month for the Assistant County Service Officer. Section 5 of said Article 5798A mentions that the Commissioners Court may make an arrangement or agreement with one or more other counties and that they may jointly employ and compensate a Veterans Service Officer and that the amount of compensation paid by said county under said agreement shall be expressly stipulated in said agreement.

"From the foregoing quotation, are we correct in assuming that regardless of the number of counties making the agreement, could the compensation be greater than the \$100.00 per month for the Veterans County Service Officer and greater than \$50.00 per month for the Assistant

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Veterans County Service Officer? In other words, could either of these officers working for more than one county, receive a greater compensation irrespective of traveling allowance than the amount shown as compensation under Section 1, Article 5798A."

House Bill No. 368, Acts of the 48th Legislature, Regular Session, 1943, (Art. 5798A-1 V. A. C. S.) is an act providing for the appointment of Veterans County Service Officers and/or Assistant Veterans County Service Officers, fixing their compensation, prescribing the qualifications of such officers, the term of office, the duties of said officers, etc.

Section 5, of the foregoing act, authorizes the Commissioners Court of any county to make an arrangement or agreement with one or more other counties whereby all such counties, parties to the arrangement or agreement, may jointly employ and compensate a Veterans County Service Officer under the provisions of the act, in which event the amount of compensation, which would be paid by each such county under said agreement and the travel and other expenses which would be paid by each county under said agreement, must be expressly stipulated in said agreement.

Section 1, of the foregoing act, among other things, provides in effect that the maximum compensation of the Veterans County Service Officer cannot legally exceed \$100.00 per month, and the maximum compensation of any Assistant County Service Officer cannot legally exceed \$50.00 per month.

Generally speaking, as stated in Texas Jurisprudence, Vol. 34, page 524, "where the government creates an office, it is clearly within its power and right to prescribe how much, if any, compensation shall be received by the incumbent. An officer is only entitled to be paid for his official services in accordance with the provisions of the law."

It is further stated in Texas Jurisprudence, Vol. 34, page 511:

"..... An officer may not claim or receive any money without a law authorizing him to do so, and clearly fixing the amount to which he is entitled."

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(Also see the authorities cited by Texas Jurisprudence in connection with the foregoing quotations.)

Specifically answering your question, it is our opinion that the maximum compensation of the Veterans County Service Officer cannot legally exceed \$100.00 per month and the maximum compensation of any Assistant Veterans County Service Officer cannot legally exceed \$50.00 per month. Whether the above mentioned officers are serving one county or more than one county would be immaterial so far as the compensation of said officers is concerned.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Ardell Williams*

Ardell Williams  
Assistant

AW:rt

APPROVED SEP 13, 1944

(Acting)

*E. J. Blackburn*  
ATTORNEY GENERAL OF TEXAS

APPROVED  
OPINION  
COMMITTEE

BY *BLW*  
CHAIRMAN